

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
(SAVANNAH DIVISION)

2009 NOV 30 AM 11:00

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR409-167

DONTE MONTRESE BRADLEY,

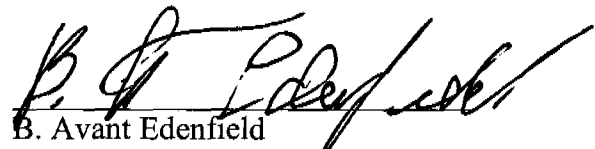
Defendant.

ORDER

The court has carefully made a *de novo* review of the record in this case. The review includes the Report and Recommendation by the magistrate judge and the objections to the Report and Recommendation filed by defendant. The court does not agree with all that is said the magistrate judge's Report and Recommendation, and particularly the tenor of footnote 3 on page 5. While the footnote is correct legally, this court would be hesitant to accuse government counsel of utilizing improper channels to communicate with the court. This assumes that a copy of the government's letter was sent to defendant's counsel. Certainly the unanimous decision by the Supreme Court in the case of Brendlin v. California, 551 U.S. 249 (2007), makes clear that one riding as a passenger is "seized" for Fourth Amendment purposes.

Notwithstanding the court's reservations as to certain language used, the Report and Recommendation of the magistrate judge is adopted as the opinion of this court.

SO ORDERED this 30 day of November, 2009.


B. Avant Edenfield
Judge, United States District Court
Southern District of Georgia